

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

JENNIFER MENARD PIKER, P.A.
(Certificate 200200.RX)
Respondent

No. 14-I-016

CONSENT ORDER

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following a report that Jennifer Menard Piker P.A. ("Ms. Piker"), a physician assistant who at all times material to the facts and matters alleged herein is licensed as a physician assistant in this state, as evidenced by license number 200200.RX, had engaged in activities beyond the scope of her license. Specifically, Ms. Piker prescribed medications for the treatment of obesity and chronic pain in violation of Board Rules. She was also performing procedures without a proper credential file attesting to her competence to perform such procedures, and was supervising a technician that was compounding and dispensing allergen extracts, which is prohibited. Additionally, she failed to have an updated and accurate Clinical Practice Guideline.

Predicated upon the foregoing information, the Investigating Officer assigned by the Board with respect to this matter determined that reasonable cause existed such that a formal Administrative Complaint could be filed against Ms. Piker, charging her with violations of the Louisiana Physician Assistants Act (the "Act"), La. Rev. Stat. §§37:1360.21-1360.35, pursuant to La. Rev. Stat. §37:1360.33(3)¹ and La. Admin. Code 46:XLV §4513 (18) and (19).²

As evidenced by her subscription to this Order, Ms. Piker acknowledges the substantial accuracy of the foregoing information and that such acknowledgment, and the reported information, could provide the Investigating Officer with probable cause to pursue formal administrative proceedings against her for violation of the Act, La. Rev. Stat. §§37:1360.33(3) and La. Admin. Code, 46:XLV §4513 (18) and (19), further, that proof of such information upon administrative evidentiary hearing would establish grounds under the Act for the suspension,

¹ The board may, exercising due process, discipline any physician assistant, as provided in R.S. 37:1360.34, who: (3) Violates any provision of this Part or any regulations adopted by the board pertaining to this Part.

² The Board may refuse to issue or may suspend, revoke or impose probation or other restrictions on any license issued under this Chapter or issue a private or public reprimand for the following causes:...(18) prescribing legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner; (19) utilizing prescribing authority in violation of any of the provisions of §§1501-1529 or 4501-4513 of the board's rules.

revocation or imposition of such other terms, conditions or restrictions on her license as a physician assistant in the state of Louisiana as the Board might deem appropriate.

Recognizing her right to have administrative adjudication of such charges, at which time she would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §§49:955-965, Ms. Piker, nonetheless, hereby waives her right to notice of charges, formal adjudication and written decision and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Moreover, by her subscription hereto, Ms. Piker also waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.* or which otherwise may be afforded to her by law to contest her agreement to or the force and effect of this document in any court or other forum or body relating to the matters referred to herein. By her subscription hereto, Ms. Piker also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and she waives any objection to such disclosures under La. Rev. Stat. §49:960. Furthermore, Ms. Piker expressly acknowledges that the disclosure of information to the Board by the Investigating Officer shall be without prejudice to the Investigating Officer's authority to pursue an Administrative Complaint against her or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the information provided, the Board has concluded that the public interest would be properly protected and served by allowing Ms. Piker to maintain her license subject to appropriate specified terms, conditions and restrictions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter by consent. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1360.33, 1360.34 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that the license of Jennifer Menard Piker, P.A., is hereby **ON PROBATION** for one (1) year; *provided, however*, that such license and Ms. Piker's continuing exercise of rights and privileges granted thereby, shall be conditioned upon and subject to her acceptance of and strict compliance with the following terms, conditions and restrictions:

(1) Prohibition From Prescribing Controlled Substances Ms. Piker shall be prohibited from prescribing, and ineligible to apply for delegation of prescriptive writing authority to prescribe (i) any substance which may be classified, defined, enumerated or included in 21 C.F.R. §§1308.11-.15 or La. Rev. Stat. §40:964, as a controlled substance; or (ii) any substance which may hereafter be designated as one of the foregoing controlled substances by amendment or supplementation of such regulations and statute. The prohibitions contained in this paragraph shall not prohibit Ms. Piker, or her Supervising Physician, from applying for delegation of prescriptive authority to prescribe legend drugs. Until and unless otherwise modified by the Board, in its sole discretion, the restrictions contained in this provision shall survive the

probationary period and remain in effect so long as Ms. Piker shall hold any form of license or permit to practice as a physician assistant in the state of Louisiana. Upon the termination of the probationary period, Ms. Piker may petition the Board for relief from this restriction, provided that Ms. Piker has strictly adhered to the terms, conditions and restrictions of this Order, which petition the Board may, in its sole discretion, grant or deny.

(2) Continuing Medical Education - Proper Prescribing. Within one hundred eighty (180) days of the effective date of this Order, Ms. Piker shall successfully complete one or more courses of study in the area of proper prescribing of controlled substances. All courses required by this provision shall be pre-approved by the Board or its designee.

(3) Continuing Medical Education. Ms. Piker shall obtain not less than twenty (20) credit hours per year during her probationary period through attendance at and participation in continuing medical education ("CME") programs accredited by the American Medical Association. On or before the anniversary date of the effective date of this Order, Ms. Piker shall cause to be submitted to the Board written certification of the CME programs and credits completed by her during the preceding twelve (12) months

(4) Article, Lecture, or Testing. Within one hundred eighty (180) days from the effective date of this Order, Ms. Piker shall provide evidence to the Board's satisfaction that she has gained an understanding of the law and the Board's rules and regulations respecting PAs. Such evidence may, at the Board's direction, include her preparation of an article for possible dissemination in the Board's *Newsletter* or website, an approved lecture on this subject to her peers, and/or her satisfactory completion of an examination testing her understanding of this subject.

(5) Payment of Fine. Prior to the termination of the probationary period set forth in this Order, Ms. Piker shall pay to the Board a fine in the amount of One Thousand and no/100 (\$1,000.00) Dollars.

(6) Probation Monitoring Fee. For each year that this Order remains in effect, Ms. Piker shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days following the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

(7) Absence from State/Practice/Effect on Probation. The probationary term of this Order shall be extended for any period of time that (i) Ms. Piker subsequently resides or practices outside the State of Louisiana or (ii) Ms. Piker's license is subsequently cancelled for nonpayment of licensure fees. If Ms. Piker leaves Louisiana to live or practice elsewhere, she shall immediately notify the Board in writing of the dates of her departure from and subsequent return to Louisiana. When the period of extension ends, Ms. Piker shall be required to comply with the terms of this Order for the period of time remaining

on the extended probationary term of this Order. Ms. Piker shall pay all fees for reinstatement or renewal of a license covering the period of extension.

(8) Cooperation with Board's Probation and Compliance Officer. Ms. Piker shall immediately notify the Board's Probation and Compliance Officer of any change in her current home and professional addresses and telephone numbers and she shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom she shall cooperate on all matters and inquiries pertaining to her compliance with the terms, conditions and restrictions of this Order.

(9) Certification of Compliance with Probationary Terms. At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Ms. Piker shall provide the Board with an affidavit certifying that she has complied with each of the terms of probation imposed by this Order. The probationary period and all of its terms and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Ms. Piker's compliance with the requirements of this provision.

(10) Effect of Violation/Sanction. By her subscription hereto, Ms. Piker acknowledges that her receipt of written notification that the Board has received apparently reliable information which indicates her failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing her with any right to which she may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 et seq., or which otherwise may be afforded to her by law, constitute her irrevocable consent to the immediate suspension of her license to practice as a physician assistant in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Ms. Piker shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Ms. Piker's license as a physician assistant in the state of Louisiana as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1360.33 and La. Admin. Code 46:XLV §4513.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed in New Orleans, Louisiana, and effective on this 19th day of May, 2014.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By: Mark Henry Dawson
MARK HENRY DAWSON, M.D.
President

*Acknowledgement and Consent
Follows on Next Page*

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF Louisiana

COUNTY/PARISH OF Lafayette

I, JENNIFER MENARD PIKER, P.A. hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 17th day of April, 2014.

Jennifer Menard Piker P.A.
JENNIFER MENARD PIKER, P.A.

Laura Menard
Signature

Laura Menard
Printed Name

901 Daphne St
Address

Lafayette, LA 70503
City, State, Zip Code

WITNESSES:

Daphne Gaspard
Signature

Daphne Gaspard
Printed Name

463 Canyon Ridge
Address

Lafayette LA 70506
City, State, Zip Code

Sworn to and subscribed before me at Lafayette, Louisiana
(City) (State)

this 17th day of April, 2014, in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature & Seal)

Peter John Marshall
Printed Name/Notary Number (or Stamp)

